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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/840,054

05/06/2004

Peter Dallinger

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EXAMINER

TALBOT, MICHAEL

ART UNIT

PAPER NUMBER

3722

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/29/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/840,054	DALLINGER ET AL.	
	Examiner	Art Unit	
	Michael W. Talbot	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-16, 18 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 6-9, 17, 19, 20 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/18/04, 12/21/04, 02/04/05</u> .                            | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: (1) a "chamfer 32" recited on page 8, 5<sup>th</sup> paragraph, line 4, referencing Fig. 2, (2) a "pin reinforcement 68" recited on page 12, 5<sup>th</sup> paragraph, lines 1 and 2, referencing Fig. 6, (3) "stop end 91" recited on page 14, 5<sup>th</sup> paragraph, line 3, referring to Fig. 8, and (4) "two stop ends 91,92" recited on page 15, 2<sup>nd</sup> paragraph, line 6, referring to Fig. 8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Specification***

2. The abstract of the disclosure is objected to because of the inclusion of patent claim legal phraseology and purported merits of the invention. Correction is required. See MPEP § 608.01(b).

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical

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disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

5. The disclosure is objected to because of the following informalities:

Page 6, 8<sup>th</sup> paragraph, line 12, one of the two occurrences of the phrase "of the pillar" should be removed from the phrase "and an area of the pillar of the pillar drilling machine" so as to read --and an area of the pillar drilling machine--.

Page 9, 5<sup>th</sup> paragraph, lines 3 through 4, the phrase "are provided" should be removed from the phrase "cylindrical portion 34 is provided with cable ports 40 are provided between the retaining projections 39" so as to read --cylindrical portion 34 is provided with cable ports 40 between the retaining projections 39--.

Appropriate correction is required.

#### ***Claim Objections***

6. Claims 3, 11, 13 and 22 are objected to because of the following informalities:

Claim 3 recites the limitation "the area" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 11 recites the limitation "the area" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the area" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 22, line 4, the word "polar" should be changed so as to read --pillar--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker '242. Baker '242 shows in Figures 1, 2 and 5 a pillar drilling machine comprising a drill head (35) which is supported on a pillar (2,3), and a base (1) for supporting the pillar, as well as a power supply strand (7) leading to drill head. Baker '242 further shows an accommodation chamber (Fig. 5) extending substantially longitudinally within the interior of the pillar for receiving the power supply strand and also being arranged, at least sectionwise, to extend substantially longitudinally within the accommodation chamber. Baker '242 further shows the power supply strand extending from the base to the drill head within the interior of the pillar drilling machine (Figs. 1 and 5). Baker '242 further shows a respective separation point (at gears 6) of the power supply strand within an area of the base. Baker '242 further shows a storage facility (recess in base 1) for the power supply strand provided in the area of the base. Baker '242 further shows a flange member (legs of 2) provided which the pillar is supported on the base (via bolts in Fig. 5) such that it is centered relative thereto.

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9. Claims 1-5,10,13,15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Strange et al. '503. Strange et al. '503 shows in Figure 1 a pillar drilling machine comprising a drill head (36) which is supported on a pillar (14), and a base (12) for supporting the pillar, as well as a power supply strand (22,52,50,64) leading to drill head. Strange et al. '503 further shows an accommodation chamber (18) extending substantially longitudinally within the interior of the pillar for receiving the power supply strand and also being arranged, at least sectionwise, to extend substantially longitudinally within the accommodation chamber. Strange et al. '503 further shows the power supply strand extending from the base to the drill head within the interior of the pillar drilling machine (Fig. 1). Strange et al. '503 further shows a respective separation point (64) of the power supply strand within an area of the drill head. Strange et al. '503 shows the separation point being implemented as a releasable plug connection, at least sectionwise, provided within the interior of the pillar. Strange et al. '503 further shows at least one opening (just above item 22 in Fig. 1) within the base through which the power supply stand is led out of the area of the base. Strange et al. '503 further shows a flange member (40) provided which the pillar is supported on the base (via bolts 16) such that it is centered relative thereto. Strange et al. '503 further shows a plug connection (64) arranged, at least sectionwise, in the interior of the flange member (Fig. 1).

10. Claims 1,2,11,15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bakewell '318. Bakewell '318 shows in Figures 1 and 6 a pillar drilling machine comprising a drill head (5,7) which is supported on a pillar (9), and a base (1) for supporting the pillar, as well as a power supply strand (20b) leading to drill head. Bakewell '318 further shows an accommodation chamber (20a) extending substantially longitudinally within the interior of the pillar for receiving the power supply strand and also being arranged, at least sectionwise, to extend substantially longitudinally within the accommodation chamber. Baker '242 further

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shows the power supply strand extending from the base to the drill head within the interior of the pillar drilling machine (Fig. 1). Bakewell '318 further shows a storage facility (recess below and to the right of item 12) for the power supply strand provided in the area of the base. Bakewell '318 further shows a flange member (10, 10a) provided which the pillar is supported on the base (via bolts 10b in Fig. 1) such that it is centered relative thereto. Bakewell '318 further shows the drill head being adapted to be rotated relative to the pillar (about axis 6) and that a rotation limiting device (obstruction of 5 against 4 to limit rotation to less than 360 degrees) is provided

11. Claims 1, 2, 11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Schatz et al '824. Schatz et al '824 shows in Figures 1 and 3 a pillar drilling machine comprising a drill head (above 31) which is supported on a pillar (22, 23), and a base (21) for supporting the pillar, as well as a power supply strand (71, 72) leading to drill head. Schatz et al '824 further shows an accommodation chamber (73) extending substantially longitudinally within the interior of the pillar for receiving the power supply strand and also being arranged, at least sectionwise, to extend substantially longitudinally within the accommodation chamber. Schatz et al '824 further shows the power supply strand extending from the base to the drill head within the interior of the pillar drilling machine (Fig. 3). Schatz et al '824 further shows a storage facility (recess at 82) for the power supply strand provided in the area of the base. Schatz et al '824 further shows at least one opening (74) within the base through which the power supply strand is led out of the area of the base. Schatz et al '824 further shows a holding element (75) adapted to be inserted into the at least one opening (74), which includes at least one holding profile (inner surface of 75) by means of which the power supply strand can be fixed at a predetermined position relative to the holding element. Schatz et al '824 further shows a flange member (24) provided which the pillar is supported on the base such that it is centered relative



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thereto (page 1, lines 98-108). Schatz et al '824 further shows a plug connection (at 76 and 78-83) arranged, at least sectionwise, in the interior of the flange member (Fig. 3).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bakewell '318 in view of Wehringer '379. Bakewell '318 lacks the storage facility implemented in the form of a cable spider or a cable drum. Wehringer '379 shows in Figures 1-5 an electrical cord (C) being wound in a cable spider or cable drum format. In view of this teaching of Wehringer '379, it would have been obvious to one of ordinary skill in the art to modify the storage facility of Bakewell '318 to include a specific cable spider or cable drum format as taught by Wehringer '379 to provide a shortened effective length, thus reducing the unnecessary slack and preventing looping, twisting or other undesirable distortion of the cable.

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schatz et al '824 in view of Wehringer '379. Schatz et al '824 lacks the storage facility implemented in the form of a cable spider or a cable drum. Wehringer '379 shows in Figures 1-5 an electrical cord (C) being wound in a cable spider or cable drum format. In view of this teaching of Wehringer '379, it would have been obvious to one of ordinary skill in the art to modify the storage facility of Schatz et al '824 to include a specific cable spider or cable drum format as taught by Wehringer '379 to provide a shortened effective length, thus reducing the unnecessary slack and preventing looping, twisting or other undesirable distortion of the cable.

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15. Claim 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bakewell '318 in view of Spohn, Jr. '141. Bakewell '318 lacks a releasable clamping means between the pillar and the drill head so as to prevent rotation relative to one another. Spohn, Jr. '141 shows in Figure 3 a releasable clamping means (42) comprising two clamping elements (48,52) having contact surfaces (56) corresponding to the shape of the pillar that can be adjusted (via screw 44) to bring into clamping arrangement with the pillar. In view of this teaching of Spohn, Jr. '141, it would have been obvious to one of ordinary skill in the art to modify the rotation limiting device of Bakewell '318 to include a releasable clamping means comprising two clamping elements having contact surfaces corresponding to the shape of the pillar that can be adjusted via a screw as taught by Spohn, Jr. '141 to provide a quick-action clamping means with greater degree of tightening, thus allowing for incremental movement of the drill head with respect to the pillar by overcoming the frictional contact.

***Allowable Subject Matter***

16. Claims 6-9,17,19,20 and 25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

17. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing

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papers, which require a fee, by applicants who authorize charges to a USPTO deposit account.

Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MWT  
Examiner  
15 December 2006

*Monica S. Carter*  
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SUPERVISORY PATENT EXAMINER